

EXHIBIT 43

Hunters Capital, LLC v. City of Seattle

30(b)(6) Thomas Mahaffey

Page 1

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

HUNTERS CAPITAL, LLC, et al.,)

Plaintiff,)

vs.) No. 20-cv-00983-TSZ

CITY OF SEATTLE,)

Defendant.)

VIDEOTAPED VIDEOCONFERENCE 30(b)(6) DEPOSITION

UPON ORAL EXAMINATION OF

CITY OF SEATTLE

(THOMAS MAHAFFEY)

Seattle, Washington

(All participants appeared via videoconference.)

DATE TAKEN: JANUARY 26, 2022
REPORTED BY: CINDY M. KOCH, RPR, CRR, CCR #2357

Page 3

DEPOSITION OF THOMAS MAHAFFEY
EXAMINATION INDEXEXAMINATION BY: PAGE
30(b)(6) Examination by Mr. Weaver 6
Non-30(b)(6) Examination by Mr. Weaver 73EXHIBIT INDEX
EXHIBITS FOR IDENTIFICATION PAGEExhibit 1 Amended Notice of Videotaped Deposition Pursuant to FRCP 30(b)(6) to City of Seattle 8
Exhibit 2 Email with attachment; SEA-SPD_005983-984 10Exhibit 3 June 29 Events Incident Action Plan; SEA_00007766-787 25
Exhibit 4 June 24 Events Incident Action Plan; SEA-SPD_007528-550 (CONFIDENTIAL) 32

Exhibit 5 Email chain; SEA_00020853-858 33

Exhibit 6 Email; SEA_00022828-830 41

Exhibit 7 Seattle PD SuperForm; SEA_00156958-960 45

Exhibit 8 Email; SEA_00000868-869 49

Exhibit 9 Printout of details related to Exhibit 8 49

Exhibit 10 Excel spreadsheet 51

Exhibit 11 Email chain; SEA_00023588-589 58

Exhibit 12 Executive Order 2020-08; SEA_00045264-268 63

Page 2

A P P E A R A N C E S
FOR PLAINTIFF:TYLER S. WEAVER
Calfo Eakes LLP
1301 Second Avenue
Suite 2800
Seattle, WA 98101-3808
206.407.2237
tylerw@calfoeakes.com

FOR DEFENDANT:

SHANE P. CRAMER
ARTHUR W. HARRIGAN, JR.
Harrigan Leyh Farmer & Thomsen LLP
999 Third Avenue
Suite 4400
Seattle, WA 98104
206.623.1700
shanec@harriganleyh.com
arthurh@harriganleyh.comJOSEPH G. GROSHONG
Seattle City Attorney's Office
701 5th Avenue
Suite 2050
Seattle, WA 98104-7095
206.684.8200
joseph.groshong@seattle.govALSO PRESENT: LINDSAY HITCHCOCK, videographer
Buell Realtime Reporting, LLC

* * * * *

Page 4

EXHIBIT INDEX (Continuing)
EXHIBITS FOR IDENTIFICATION PAGE
Exhibit 13 Email; SEA_00036004-005 119
Exhibit 14 Email, July 4 Events Incident Action Plan; SEA_00007505-545 156

Exhibit 15 Email chain; SEA-SPD_006803-804 167

Exhibit 16 Email chain; SEA_00028176-177 170

Exhibit 17 Email containing Executive Order 2020-08; SEA_00019316-319 184

Exhibit 18 Email chain; SEA_00021402-404 185

1 (Pages 1 to 4)

Page 33

1 specified -- specific? I don't who it was sent to
2 directly.

3 MR. WEAVER: Okay. I'm going to drop
4 another document in the chat. We're getting -- we're
5 getting fast and furious on the -- on the documents
6 already, so...

7 (Exhibit No. 5 marked.)

8 THE WITNESS: Okay.

9 BY MR. WEAVER:

10 **Q. All right. So is this an email you sent on**
11 **June 16th?**

12 A. Just blow it up here a little bit.

13 Yes.

14 **Q. Okay. So in the first sentence, you say, "For**
15 **clarification, this is what I approved and was sent out**
16 **department-wide last Friday," and then it appears to**
17 **have the text of the email from Exhibit 2 down below,**
18 **towards the bottom of the first page. Is -- am I**
19 **understanding that correctly?**

20 A. That appears correct, yes.

21 **Q. Okay. So does that refresh you as to whether**
22 **the Exhibit 2 was sent out to the entire department?**

23 A. That's what I said in the email. But like I
24 said, I don't -- specifically I don't recall who it was
25 sent out to, but that's what I'm saying in this email,

Page 35

1 were IAPs being sent out with the wording of "mass
2 casualty event."

3 **Does that help you remember at all when it**
4 **was -- when the wording was changed to "critical life**
5 **safety emergency"?**

6 MR. CRAMER: Objection. Form.

7 A. It doesn't. I will say one thing, with IAPs,
8 especially during this time, we were having -- the
9 operations center was having to produce so many,
10 sometimes getting the language caught up or getting
11 things changed, because of everything else that was
12 going on from the planning perspective, sometimes they
13 weren't as timely as they could have been, with getting
14 changes put into them.

15 BY MR. WEAVER:

16 **Q. Was it your understanding that there was any**
17 **difference in the -- in the substance of the directive**
18 **between the directive that used the term "mass casualty**
19 **event" and the directive that used the term "critical**
20 **life safety emergency"?**

21 A. Sorry; I'm not quite following your question
22 there.

23 **Q. Okay. Was the change from "mass casualty**
24 **event" to life -- "critical life safety emergency" meant**
25 **to convey a change in department policy or directive?**

Page 34

1 yes.

2 **Q. Okay. So I'd like to go back to Exhibit 4,**
3 **which is the June 24th IAP. And if you could scroll**
4 **down to -- I think it may be 15 of this one as well.**
5 **So -- yes, it's 15. I'm sorry. It's 16. Bates**
6 **No. 7543.**

7 This appears to have similar language to what
8 we've been talking about, but it uses the term "mass
9 casualty event" rather than "critical life safety
10 emergency."

11 Do you see that?

12 A. Yes.

13 **Q. So this was June 24th of 2020. Does this**
14 **refresh you at all as to when there might have been a**
15 **change to the wording of "critical life safety**
16 **emergency"?**

17 MR. CRAMER: Objection. Form.

18 A. Sorry. You said Exhibit 4 says mass casualty
19 event, or am I on the wrong exhibit or --
20 BY MR. WEAVER:

21 **Q. I believe it does, on Page 16, if you -- you**
22 **can look at it, yourself.**

23 A. I'm looking at Exhibit 4, and it's -- says
24 "mass casualty event" on Page 16.

25 **Q. Okay. So it appears that on June 24th there**

Page 36

1 A. No. Again, I think it was just meant to
2 clarify the wording, and really the -- the premises that
3 we were operating under, I think it just -- and the
4 things that we were briefed kind of every day, I think
5 it was just providing more clarity.

6 **Q. And I'd like you to go to the bottom of the**
7 **last page on Exhibit 4. This again is a map showing**
8 **the -- what's -- what were the boundaries of the red**
9 **zone; is that right?**

10 A. Correct.

11 **Q. And were those the same that they had been in**
12 **the directive that went out department-wide on June 12th**
13 **in Exhibit 2?**

14 MR. CRAMER: Objection. Asked and answered.

15 A. Yes. They -- they look the same. I don't see
16 any significant changes in either map.

17 BY MR. WEAVER:

18 **Q. Let me ask you, with regard to -- and we can**
19 **go -- we can go to any -- I guess go back up to 16 on**
20 **Exhibit 4, Page 16.**

21 A. Okay.

22 **Q. Okay. So with regard to Edward Sector, it**
23 **indicates that a required -- requires a four officer**
24 **minimum response to all Edward Sector calls for service**
25 **outside the red zone.**

9 (Pages 33 to 36)

Page 37

What does -- what did that mean?

A. For any response for police service, that we were going to send, again, as it indicates, a minimum of four officers to that call.

Q. So prior to June 2020, what was the minimum response for a call in the Edward Sector?

A. It would depend on the type of call, again, with -- what the actual details of the incident were. But it could be as little as one officer for a nonpriority event with no suspect on the scene, to many multiple of officers for some type of ongoing life safety emergency.

Q. So what -- what was the least number of officers for a particular call that would be a minimum required to respond to a call prior to June 2020?

A. The fewest would be one for a low priority response.

Q. Okay. And during the -- during the pendency of these directives in June of 2020, even those low priority calls would still require a four officer response? Is that correct?

A. That is correct, yes.

Q. And why was that?

A. Due to just the conditions that we hadn't faced before, based on -- I will describe it as the negative

Page 38

feelings and animosity towards Seattle police officers at that time that was particularly concentrated in that area of the city.

Officers were going to seemingly routine calls and being accosted by people seeking confrontation even in routine situations. So again, in just working through some of these unprecedented circumstances that were dealt with, again, officer safety being the most -- the thing that was most foremost on my mind during this period, we determined that this was the best course of action to take.

Q. Okay. So within the Edward Sector, but outside the red zone, were there cases in which there might be a mass casualty event or a critical life safety emergency, that it would be appropriate under your directive for officers not to respond?

MR. CRAMER: Objection. Form. Calls for speculation.

A. No. But again, depending on the criticality of the incident, I want them to formulate a thoughtful and considered response before going in, again, to ensure their safety, de-escalate, minimize the potential use of force, and keep the public safe.

BY MR. WEAVER:

Q. So when you indicate that it was -- you were

Page 39

trying to keep the public safe by not responding to calls, how was not responding to calls keeping the public safe?

MR. CRAMER: Objection. Form.

A. That's not what I mean by that. It's, again, to -- we're responding to calls. It's just that we're doing it in a way that allows us to provide service in the best way that we can.

We're just considering the -- again, the unprecedented circumstances that we were facing at the time, and the scrutiny, and threat to officer safety that we were having to deal with.

That's what the -- really considerations that I had to -- to deal with at the time and how we were going to still provide police services while dealing with all these other issues that were swirling around us.

BY MR. WEAVER:

Q. So going back to Exhibit 5, in the second paragraph of this email you sent on June 16th, you're asking whether the -- first of all, you sent this to Carmen Best, and then who's Christopher Fisher?

A. He was the chief's -- I believe his title was strategic advisor.

Q. And you say, "Please let me know if this should be altered or clarified in anyway if it is creating a

Page 40

messaging issue or confusion internally or externally."
Do you see that?

A. Yes.

Q. Do you remember asking for that, for any clarification they wanted?

A. Reading this email, that -- now it's bringing up I did ask that, yes.

Q. Do you recall whether either Chief Best or Officer Fisher indicated that your policy should be altered or clarified in any way?

A. I don't specifically, no.

Q. And you also indicate down below that, "Depending" -- you were going to talk with representatives from the City's department involved in barricade removal, and that, "Depending on how that operation went, I may be able to adjust the current response protocol to the area."

Do you recall whether the -- you adjusted the current response protocol to the area after barricade removal?

A. It wasn't adjusted because the barricades -- if this is still June 12th, my recollection, the barricades -- or June 16th, excuse me, the barricades were not removed. So protocols were not adjusted.

Q. So the protocols were not adjusted until all

10 (Pages 37 to 40)

Page 73

1 you, just Chief Mahaffey.

2 BY MR. WEAVER:

3 **Q. So I think we talked just briefly about the**
 4 **evacuation of materials and personnel from the East**
 5 **Precinct on the night of June 8th or the afternoon of**
 6 **June 8, 2020.**

7 **Was that your decision, to evacuate personnel**
 8 **from the East Precinct?**

9 A. Ultimately, that was my decision, yes. I made
 10 it in -- I had consultation with my commanders I had
 11 working that day, but yes, ultimately, that decision
 12 was -- was mine.

13 **Q. Did you make any consultation with Chief Best?**

14 A. I did call her and let her know how we'd be
 15 proceeding that evening, yes.

16 **Q. And you told Chief Best before you had --**
 17 **before the evacuation; is that correct?**

18 A. Yes. I -- yes. Before we implemented the
 19 actual plan, yes, I let her know.

20 **Q. Okay. And what was the basis for your decision**
 21 **to evacuate personnel from the East Precinct?**

22 A. Well, there's a lot that went into that
 23 decision. It was not easily made. The overarching
 24 concern was, the need to de-escalate would have been
 25 going on the previous week, which was a constant focus

Page 74

1 on the precinct by the protesters, to the point that the
 2 precinct had become inoperable.

3 We had nearly nightly clashes with protesters
 4 involving significant amounts of -- we had to use force
 5 to deal with the crowd. We had force used against us by
 6 the crowd.

7 We had officers injured. We had members of the
 8 protest crowd injured, and it was seemingly not going to
 9 end. So that was the overall goal, was to prevent any
 10 further clashes with the crowd and injuries to officers.

11 There was also concerns about the building
 12 being attacked and destroyed. We had information from
 13 the FBI. I knew that a precinct had been burned in
 14 Minneapolis, Minnesota, as a result of protests they had
 15 there. I had information other government buildings
 16 were being attacked.

17 So I had a great concern that based on what had
 18 been occurring the previous weeks, that the East
 19 Precinct would be another target, which, based on where
 20 it sits on the block, there's really only two ways in
 21 and out of it.

22 And overall, the -- that was my greatest
 23 concern, was keeping -- keeping people safe, and not
 24 being able to keep people in there, as we were not going
 25 to be able to use the tactics, which was using police

Page 75

1 officers directly to manage and address the crowd.

2 So that was the course of action that I felt
 3 was the best to prevent confrontation, to de-escalate,
 4 prevent injury, and keep police officers and the public
 5 safe.

6 **Q. You said there was force used against officers**
 7 **by people who were protesting or who were mixed in among**
 8 **the protesters.**

9 **What sort of force was being used?**

10 A. So there was physical body force consisting of
 11 pushing, shoving, punching. We also had objects thrown
 12 at us: rocks, pieces of cement, bottles, garbage.
 13 Commercial grade fireworks were used on officers as
 14 well.

15 And then we had reports of people in the crowd
 16 with Molotov cocktails, which is a bottle filled with
 17 gasoline with usually a rag soaked in some type of
 18 accelerant on top as well.

19 So those were some of the issues that we
 20 were -- we were dealing with. We'd also get reports of
 21 armed people in the crowd from time to time, but we did
 22 not have firearms directly used against police officers,
 23 thankfully.

24 **Q. And so your expectation on June 8th, that that**
 25 **was probably going to keep happening regularly on the**

Page 76

1 **night of June 8th and later; is that correct?**

2 MR. CRAMER: Form.

3 Go ahead.

4 A. Continuing with our same deployment model, yes,
 5 I felt that was the likely -- likely outcome.

6 BY MR. WEAVER:

7 **Q. So to what extent was the mayor's office or the**
 8 **mayor herself involved in discussions about what to take**
 9 **out of the precinct and when to take it out of the**
 10 **precinct?**

11 MR. CRAMER: Objection. Form.

12 A. My recollection, I think sometime --

13 THE WITNESS: That wasn't me, I hope, on
 14 the -- on the --

15 MR. CRAMER: I think someone -- I think
 16 someone joined.

17 Go ahead.

18 I'm sorry. Tyler, do you want to re-ask it
 19 just so we're -- or have the court reporter read it
 20 back.

21 MR. WEAVER: I can ask it again.

22 BY MR. WEAVER:

23 **Q. So to what extent was the mayor herself or the**
 24 **mayor's office involved in discussions about moving**
 25 **materials or people out of the East Precinct on**

19 (Pages 73 to 76)

Page 77

1 **June 8th?**

2 MR. CRAMER: Same objection.

3 A. I don't know about the mayor's direct
4 involvement. There was some discussion with some of
5 other staff about having a plan in place, about if we --
6 about moving, what articles would have to be moved out
7 of the precinct potentially. I think that occurred on
8 June 7th or 8th.

9 BY MR. WEAVER:

10 **Q. So what were the discussions with the mayor's**
11 **staff about what should be moved out?**

12 A. I'm sorry; you cut out in the last part of
13 that.

14 **Q. What were the discussions with the mayor's**
15 **staff about what should be moved out of the precinct, I**
16 **think you said on either June 7th or June 8th?**

17 A. I don't know if I'd characterize it as a
18 discussion. I think it was -- my recollection, it more
19 was asking for a plan about what items would have to be
20 taken out.

21 **Q. Okay. What do you recall about those**
22 **discussions?**

23 MR. CRAMER: Objection. Form. Misstates
24 testimony.

25 A. Just we were asked for some plans. I think it

Page 79

1 director level. I don't remember specifically, but that
2 would have been SDOT, I believe Fire Chief Scoggins was
3 there, potentially somebody from Public Utilities,
4 but -- so it was police, mayor's office, and some other
5 department heads.

6 **Q. Okay. What were the nature of those**
7 **discussions? What was the topic of the discussions that**
8 **was going on there?**

9 A. So on the night of the 7th, we had had another
10 significant incident involving the -- well, two, really.
11 The -- the evening had started out where a person had
12 driven a car down 10th Avenue from Pike Street, came out
13 of the car -- shot somebody, came out of the car, went
14 through the crowd. Police took them into custody. So
15 that started the evening.

16 And then towards the end of the evening, we had
17 a significant removal of barricades that we had -- 11th
18 and Pine Street was kind of where we had the most
19 significant involvement nightly.

20 We had -- I had ordered some better metal
21 fencing, what we thought would be better metal fencing,
22 but really, almost as soon as it was installed,
23 protesters were looking for ways to take it down.

24 They had taken it down. There was an
25 encroachment on the precinct. All our attempts to

Page 78

1 was over email. I don't remember about that particular
2 topic specific face-to-face discussions that I was
3 involved in.

4 BY MR. WEAVER:

5 **Q. Okay. Were you in -- were you involved in**
6 **face -- face-to-face discussions on June 8th with**
7 **anybody from the mayor's office about the East Precinct**
8 **and the protests outside?**

9 A. Yes, I was.

10 **Q. Can you tell me about the nature of those**
11 **meetings and who was there?**

12 A. Yes. There was a meeting in the Seattle
13 Emergency Operations Center at around noon on June 8th.
14 From the police department, Chief Best was there; I was
15 there; Assistant Chief Cordner, Assistant Chief
16 Nollette, Assistant Chief Diaz, Assistant Chief Hirjak,
17 I believe Assistant Chief Greening as well. So
18 essentially the entire -- we call it the command staff,
19 the sworn command staff, which is the chief and her
20 assistant chiefs.

21 From the mayor's office was Deputy Mayor Fong;
22 Stephanie Formas, who's chief of staff; and Deputy Mayor
23 Sixkiller. Those are the three I remember.

24 And then I think there were representatives
25 from some other City agencies there. They may have been

Page 80

1 de-escalate verbally had failed. We had reports of
2 people with firearms in the crowd.

3 We ended up using some less lethal munitions to
4 disperse the crowd, making numerous arrests, having
5 officers and members of the public injured. That's the
6 night of -- into the early morning of June 7th and the
7 early morning of June 8th.

8 And that leads to this meeting on the 12th to
9 discuss really what the plan would be, moving forward,
10 in an effort to avoid further conflict and confrontation
11 with the crowds that were gathering nightly around the
12 East Precinct.

13 THE VIDEOGRAPHER: Mr. Mahaffey, would you
14 mind either leaning back or pushing your -- the audio on
15 the camera is having trouble. Thank you.

16 THE WITNESS: Sure.

17 BY MR. WEAVER:

18 **Q. So at any point during the conversations on the**
19 **8th that involved the deputy mayors and the chief of**
20 **staff Formas, do you recall there being a suggestion**
21 **from either the deputy mayors or Stephanie Formas that**
22 **the police should be -- the police should evacuate**
23 **personnel from the East Precinct?**

24 A. No, I don't recall her saying that.

25 **Q. Do you recall that there were discussions among**

20 (Pages 77 to 80)

Page 93

1 I took that information back to the chief and others on
2 the command staff and started discussing what our next
3 plans would be.

4 **Q. Okay. Tell me as much as you can about those**
5 **discussions that you had with the chief and other**
6 **personnel about the next steps to take.**

7 A. Well, it was collaborative effort, and
8 ultimately the decision was going to be left to the
9 chief. And my preference was to gather as much
10 information as we could, determine if it was viable for
11 us to move back in immediately, and then formulate a
12 plan to sustain us being back in there, knowing that
13 there would probably be pushback from crowds again that
14 night on the precinct, so how were we going to sustain
15 it if we got back -- back into the building.

16 So that's kind of what was at the forefront of
17 my mind, that's what we talked about. And I think it
18 was the chief -- don't remember specifically, but I
19 think it was, you know, going to be in consultation with
20 the executive branch, to start determining the next
21 steps forward.

22 **Q. So by the "executive branch," you mean the**
23 **mayor's office; is that correct?**

24 A. Yes.

25 **Q. Okay. Were you involved with discussions**

Page 94

1 **between the Seattle Police Department and the mayor's**
2 **office about whether the police department should try to**
3 **reoccupy the East Precinct on June 9th?**

4 A. Not that I recall specifically on that day, no.

5 **Q. Do you recall having those discussions with the**
6 **mayor's office at any time after June 9th, during the**
7 **month of June 2020?**

8 A. Yes. There was a very regular tempo of
9 meetings involving the mayor's office, police, fire, a
10 lot of other City agencies on a daily basis, and I was
11 involved in many of those.

12 **Q. Okay. So would you say you were involved every**
13 **day in those meetings, or was it just periodically?**

14 A. I don't know. I'm trying to be circumspect.
15 It was certainly more than periodically. I just don't
16 remember if it was every day, but it was -- I mean, I
17 was working seven days a week, and there were frequently
18 a variety of meetings every day that certainly involved
19 the mayor's staff and others as well.

20 **Q. So who do you recall being in these meetings**
21 **with the mayor's staff? I mean, it sounds like, you**
22 **know, fire department, Seattle Public U- -- you know --**
23 **give me -- I'll give you a list and you can tell me.**

24 **So was -- was Seattle Public Utilities at this**
25 **meeting -- at these meetings?**

Page 95

1 A. At many of them, yes.

2 **Q. How about Sam Zimbabwe from the Department of**
3 **Transportation?**

4 A. I remember either he or a designee were --
5 would be involved in many of them.

6 **Q. And I think you mentioned the fire chief was**
7 **there?**

8 A. Chief Scoggins, yes.

9 **Q. Okay. And then representatives from the**
10 **mayor's office; correct?**

11 A. It seems like who I dealt with, with the
12 mayor's office, was either Deputy Mayor Sixkiller, or
13 Deputy Mayor Fong less so, and then Julie Kline, who was
14 the public safety advisor.

15 **Q. How often were you in communication with Julie**
16 **Kline during the month of June 2020 about what was going**
17 **on, on Capitol Hill?**

18 A. Several times a week.

19 **Q. What were the nature of your communications**
20 **with her during that time period?**

21 MR. CRAMER: Objection. Form. Vague as to
22 "nature."

23 A. Yeah, I don't know if I can generalize about
24 them. It was just about whatever the issue or topic was
25 that we were having to deal with.

Page 96

1 BY MR. WEAVER:

2 **Q. During these meetings of the group that we**
3 **talked about, or with Julie Kline specifically, do you**
4 **recall having discussions about whether the police**
5 **department could or should return to the East Precinct?**

6 MR. CRAMER: Objection. Form. Vague.

7 A. Yes, I'm sure that came up.

8 BY MR. WEAVER:

9 **Q. What was your personal opinion about whether**
10 **the police department should attempt to reoccupy the**
11 **East Precinct in June of 2020?**

12 MR. CRAMER: Objection. Vague as to time.

13 A. I was committed to getting us back in the
14 building as soon as it was practical, safe, feasible,
15 and something that we could sustain without having to
16 get back into the tempo or the situation that we were in
17 earlier the month -- earlier in the month.

18 That's the way I thought about it. Getting
19 back in may have been feasible at some point, but there
20 certainly would have been a force component, I think,
21 associated with that in the early days.

22 And then as we saw, when we went back with
23 Chief Best on June 11th, the sustainment was going to be
24 something we'd have to spend time thinking through.

25 ///

24 (Pages 93 to 96)

Page 97

1 BY MR. WEAVER:

2 **Q. What happened on June 11th that you're**
3 **referring to?**

4 A. I believe that's the correct date. Chief Best
5 and some -- myself and some other officers went back up
6 to the precinct. We were able to go inside, inspect the
7 building, make sure that it hadn't been broken into,
8 nothing had been damaged or taken.

9 I think the thought is that we would remain
10 there. We'd put some resources in the building, but
11 then there was an attempt -- there was a fire lit out --
12 outside of the building that made the officers feel
13 unsafe.

14 They left, unfortunately, without notifying
15 anybody until the next morning. And so then we didn't
16 have any more resources in there, so again, it was the
17 sustainment piece that was going to be difficult once
18 we'd lost that foothold.

19 **Q. Okay. I just want to make sure I understood --**
20 **understood what you said. So on June 11th, you went**
21 **in -- and I think it was June 11th, but -- on June 11th**
22 **or thereabouts, you went -- you went into the precinct**
23 **with Chief Best and some other officers, with the goal**
24 **of leaving some people manned at the precinct; is that**
25 **correct?**

Page 99

1 A. On the 8th, yes, that's accurate.

2 **Q. And was there discussion, either among that**
3 **group or with your later conversation with Chief Best,**
4 **about what might happen if officers were not able to**
5 **return to the East Precinct within 24 hours?**

6 A. No. We didn't consider that contingency. The
7 thing -- the things that we thought would happen was,
8 one, the people would march by and that would be it, and
9 we'd move back in; or based on what I spoke to earlier
10 about what had happened in Minneapolis, the information
11 that we received from the FBI about government
12 facilities and the precinct being a target, that there
13 would be an effort to, you know, attack and destroy it
14 potentially.

15 We thought the danger for fire was significant,
16 for lighting it on fire, and that's what we had planned
17 to address, not that the occupation, for lack of a
18 better word, that occurred would happen. We didn't
19 consider that as a contingency plan. So we -- we
20 weren't -- we hadn't thought that through.

21 **Q. Were you aware, at the time you made your**
22 **decision to evacuate the precinct on June 8th, that the**
23 **mayor was considering whether to give the East Precinct**
24 **to Black Lives Matter?**

25 MR. CRAMER: Objection. Form.

Page 98

1 A. That's accurate, yes.

2 **Q. And those officers left sometime thereafter**
3 **because they were concerned for their safety; is that**
4 **right?**

5 A. Yeah. A different team of officers actually
6 came in late -- later in the afternoon or early evening
7 and replaced those -- myself and others that had already
8 been there throughout the day.

9 And then after midnight the next day, let's say
10 that was the 12th, that's when an incident occurred that
11 caused them to leave the building.

12 **Q. Okay. Were there other attempts to move**
13 **personnel back into the East Precinct prior to July 1,**
14 **2020?**

15 MR. CRAMER: Objection. Form.

16 A. Not -- no, not like that, that we just talked
17 about, or there were no other efforts that I recall that
18 were made after that initial one.

19 BY MR. WEAVER:

20 **Q. Okay. I want to go back to the discussions**
21 **that we talked about earlier on June 8th, and I think --**
22 **am I correct that you were having discussions between**
23 **you and some of your subordinate officers about whether**
24 **to evacuate personnel from the East Precinct? Is that**
25 **correct?**

Page 100

1 A. I was not aware of that.

2 BY MR. WEAVER:

3 **Q. When did you first become aware of that?**

4 MR. CRAMER: Same objection. Assumes
5 evidence.

6 A. Sometime later on. I don't know if it was
7 June or July. Chief Best had told me that there had
8 been -- she was aware of a conversation between Black
9 Lives Matter and the mayor's office about turning over
10 the precinct.

11 BY MR. WEAVER:

12 **Q. Okay. What do you -- can you tell me anything**
13 **else about that conversation you had with Chief Best**
14 **about that?**

15 A. Yeah, I just remember being in her office. I
16 don't know specifically what we were talking about. She
17 told me -- Chief Best is very well connected to many
18 communities in Seattle, especially the African-American
19 community.

20 And she had told me that people that she knew,
21 I believe -- my recollection is in the Black Lives
22 Matter movement, had told her about conversations they
23 had had -- I don't remember specifically with the mayor
24 or her office -- about making the precinct -- turning it
25 over to them and allowing it to be some type of a

25 (Pages 97 to 100)

Page 189

1 incidents being brought to our attention"?

2 A. I'm wondering if that's referring -- and I'm
3 sorry; I'm looking down through these emails, if there's
4 anything specific incident-wise being mentioned in here.

5 So the email from the end from Sergeant
6 Fiorini, who's bringing forth some calls, or a concern
7 to us that people were -- especially at night, were
8 trying to lure police into the area potentially by
9 calling in significant incidents.

10 So I think Lieutenant -- or Sergeant Fiorini is
11 bringing that to our attention, and just that we have an
12 awareness of that, and then plan for that as a
13 contingency to deal with.

14 Q. What was your involvement, if anything, in the
15 operation on the morning of July 1, 2020, to clear the
16 protest area of people, barricades, and tents?

17 A. My involvement on that day is that I was the
18 overall incident commander for our response.

19 Q. Were you present on Capitol Hill for that?

20 A. Yes. I made a makeshift field command post at
21 the fire station that's roughly around about 13 or 14th
22 and Pine Street, Fire Station 25. That's where I was
23 located.

24 Q. And how many officers were involved in the
25 operation to clear the area?

Page 190

1 A. A couple hundred officers.

2 Q. Why was it determined that you should have 200
3 officers?

4 A. Well, first of all, it was the area that we had
5 to clear was fairly large, and it was kind of a
6 two-pronged approach. We had -- by that point we had a
7 lot of tents that had established in front of the
8 precincts, which we weren't sure of the exact amount
9 they were occupied. So that was phase one, so that was
10 going to require a significant amount of officers to
11 manage that.

12 And then the second area or issue that we had
13 to address with -- was Cal Anderson, which had an
14 encampment established as well too, that had an unknown,
15 but we suspected a significant amount of people in it,
16 that would require a good deal of officers to deal with.

17 So it was, again, just to manage those two
18 contingencies, and then just to have enough resources to
19 deal with this event and any eventualities that might
20 pop up. We just make sure we had enough people to deal
21 with things that we knew we would face and anything that
22 might pop up as a contingency.

23 Q. So was there a particular order or -- was there
24 a particular place in which the operation first started,
25 as far as police were concerned, in the area to -- to

Page 191

1 clear that area out first, or were they done
2 simultaneously?

3 A. The area in front of the precinct was the first
4 that we moved on, so that was the primary, but it was
5 fairly soon thereafter. Once we had started moving on
6 to the precinct, we had that stabilized, under control,
7 that we moved on to Cal Anderson.

8 Q. And how many people did you have to clear out
9 from the area around the East Precinct and in Cal
10 Anderson?

11 MR. CRAMER: Objection. Form. Foundation.

12 A. Around the precinct specifically, I -- two,
13 three dozen is my recollection. More than that in Cal
14 Anderson, but I don't -- I don't recall what the
15 specific number was.

16 BY MR. WEAVER:

17 Q. How long did the operation take for just
18 clearing the people out of that area?

19 MR. CRAMER: What area, Tyler? Both, or one
20 of the two?

21 MR. WEAVER: East Precinct and Cal Anderson.

22 A. I think the main portion of that operational
23 phase was done with -- within two hours.

24 BY MR. WEAVER:

25 Q. And what was the next phase of the operation,

Page 192

1 from the police standpoint?

2 A. So then it was getting back into the building,
3 clearing out what needed to be cleared out from around
4 the building, include the tents, which I think the other
5 agency, I think it was Parks took care of, and then
6 removing the barricades from around the precinct, which
7 was SDOT's job with the heavy equipment, taking down
8 some of the -- we had put some fencing and boarding
9 around the precinct. I think we worked about taking
10 some of that down and getting back into the building.

11 So it was doing all those logistical things,
12 and then the sustainment portion of it, because we did
13 the actual operation, I think we were on-site by 5:00 in
14 the morning.

15 Most of the protest activities in early
16 June would happen in the evening, so the next phase of
17 the plan was preparing for that eventuality, that now
18 we'd moved back into the precinct, that there would be
19 protest activity directed at it later that night, so we
20 had other resources scheduled to come in later in the
21 day to manage that.

22 Q. So was there protest activity directed at the
23 East Precinct later that night, on the 1st?

24 A. There may have been, but not -- I don't
25 specifically recall if there was, and what our response

48 (Pages 189 to 192)

Page 197

1 adjourned at 3:40.
 2 (Deposition concluded at 3:40 p.m.)
 3 (Reading and signing was requested
 4 pursuant to FRCP Rule 30(e).)
 5 -o0o-
 6
 7
 8
 9
 10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

Page 198

1 CERTIFICATE

2
 3 STATE OF WASHINGTON
 4 COUNTY OF PIERCE
 5

6 I, Cindy M. Koch, a Certified Court Reporter in
 7 and for the State of Washington, do hereby certify that
 8 the foregoing transcript of the deposition of Thomas
 9 Mahaffey, having been duly sworn, on January 26, 2022,
 10 is true and accurate to the best of my knowledge, skill
 11 and ability.

12 IN WITNESS WHEREOF, I have hereunto set my hand
 13 and seal this 2nd day of February, 2022.



14
 15
 16 CINDY M. KOCH, CCR, RPR, CRR

17
 18 My commission expires:
 19 JUNE 9, 2022
 20
 21
 22
 23
 24
 25

50 (Pages 197 to 198)